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9 UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 NICHOLAS SEAN CARTER,

15 Defendant.

Case No.: 4:19-CR-6063-SMJ-2

Motion for Detention

16 The United States moves for pretrial detention of Defendant, pursuant to 18
17 U.S.C. § 3142(e) and (f).

18 1. Eligibility of Case. This case is eligible for a detention order because
19 the case involves (check one or more):
20

21 ☐ Crime of violence (as defined in 18 U.S.C. § 3156(a)(4) which
22 includes any felony under Chapter 77, 109A, 110 and 117);
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24 ☐ Maximum penalty of life imprisonment or death;

25 ☒ Drug offense with maximum penalty of 10 years or more;
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☐ Felony, with two prior convictions in above categories;

☒ Felony that involves a minor victim or that involves the possession or use of a firearm or destructive device as those terms are defined in 18 U.S.C. § 921, or any other dangerous weapon, or involves a failure to register under 18 U.S.C. § 2250;

☒ Serious risk Defendant will flee; or

☐ Serious risk obstruction of justice.

2. Reason for Detention. The Court should detain Defendant because there is no condition or combination of conditions which will reasonably assure (check one or both):

☐ Defendant's appearance as required; or

☒ Safety of any other person and the community.

3. Rebuttable Presumption. The United States will invoke the rebuttable presumption against Defendant under 18 U.S.C. § 3142(e). The presumption applies because there is probable cause to believe Defendant committed:

☒ Drug offense with maximum penalty of 10 years or more;

☐ An offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;

☐ An offense under 18 U.S.C. §§ 2332b (g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

s/ Stephanie Van Marter
Stephanie Van Marter
Assistant United States Attorney